

**ENTERED**

February 23, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ROY ALLEN TURNER,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION NO. 2:15-CV-00379

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**


On December 3, 2015, United States Magistrate Judge Jason B. Libby issued his “Memorandum and Recommendation” (D.E. 11), recommending that this action be dismissed for failure to exhaust administrative remedies and for lack of a liberty interest to support constitutional due process relief. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13.

Petitioner filed his objections, merely referring the Court to his summary judgment response. A general objection that merely reiterates a previous response, without pointing out the specific findings or conclusions of the Magistrate Judge that are challenged, is insufficient to comply with 28 U.S.C. § 636(b). *E.g., 4 B’s Realty 1530 CR39, LLC v. Toscano*, 818 F. Supp. 2d 654, 659 (E.D.N.Y. 2011). Such an incorporation by reference of briefing completed prior to the issuance of the Memorandum and Recommendation is tantamount to no objection at all.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 11), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Respondent's Motion for Summary Judgment (D.E. 8) is **GRANTED** and this action is **DISMISSED WITH PREJUDICE**. In the event that Petitioner requests a Certificate of Appealability, that request is **DENIED**.

ORDERED this 23rd day of February, 2016.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE